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The Goa Town and Country Planning (Amendment) Act, 2018 (Goa Act 9 of 2018), which has been passed by the Legislative Assembly of Goa on 30-7-2018 and assented to by the Governor of Goa on 22-8-2018, is hereby published for the general information of the public.

Sharad G. Marathe, Addl. Secretary (Law).

Porvorim, 30th August, 2018.

The Goa Town and Country Planning
(Amendment) Act, 2018

(Goa Act 9 of 2018) [22-8-2018]

AN

ACT

*further to amend the Goa, Daman and Diu
Town and Country Planning Act, 1974
(Act 21 of 1975).*

Be it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2018.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the “principal Act”),—

(i) clause (1) shall be re-numbered as clause (1A) and before clause (1A) as so re-numbered, the following clause shall be inserted, namely:—

“(1) “accommodation reservation” means to accord a permission by the Government to owner of land, that is required for public amenity specified in Development Plan or Regional Plan, by the Planning and Development Authority, municipal corporation, municipal council or village panchayat, as the case may be, to use the potential of such land in the form of built-up space guided by permissible Floor Area Ratio, in addition to the built-up space required for such amenity, in lieu of payment of compensation for such land and such amenity, transferred in favour of such authority;

(ii) after clause (30), the following clauses shall be inserted, namely:—

“(30A) “transferable development right” means a right to transfer the potential of a land required for public purpose by the Planning and Development Authority, municipal corporation, municipal council or a village panchayat, as the case may be, expressed in terms of total permissible built-up area, for utilization by the owner himself or transfer by him to someone else, from the present location to a specified area, as additional built-up space over and above the permissible limit in that area in lieu of the payment of compensation for such land;

(30B) “transferable development right for posterity” means the right to sell, transfer or surrender the development right or potential of land zoned as agricultural land or land in other areas such as heritage site, water body, riverine land, farm land, khazan land, private forest, land under Coastal Regulation Zone and the like to alternate sites as identified in the Development Plan or Regional Plan;”.

3. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) proposal for transferable development rights, transferable development right for posterity, accommodation reservation or any other similar technique for promoting planned development;”.

4. *Insertion of new section 16B.*— After section 16A of the principal Act, the following section shall be inserted, namely:—

“16B. *Change of zone in Regional Plan.*—
(1) If at any time, after the Regional Plan comes into operation, the Chief Town Planner (Planning) receives a written

request from any person for change of zone of his land in the Regional Plan, he shall, after carrying out such fresh surveys and examination of the matter as may be considered necessary, submit his report to the Board and the Government, along with plan showing details about change of zone in the Regional Plan.

(2) Every request under sub-section (1) shall be made in such form as may be prescribed and accompanied by such fees as notified under sections 100A and 101A.

(3) The provisions of sections 12 to 15 shall, mutatis mutandis, apply for change of zone in the Regional Plan submitted under sub-section (1).

(4) After the Regional Plan comes into operation, the Chief Town Planner (Planning) may, with the prior approval of the Government, make such changes in such Regional Plan as may be necessary for correcting any typographical or cartographical errors, omissions or details of proposals not fully indicated or changes arising out of the implementation of the proposals in the Regional Plan:

Provided that all such changes are in the public interest and are notified to the public.”.

5. *Amendment of section 30.*— In section 30 of the principal Act, in sub-section (1), after clause (d), the following clause shall be inserted, namely:—

“(e) indicate and provide for proposal for transferable development right, transferable development right for posterity, accommodation reservation or any other similar technique for promoting planned development.”.

6. *Amendment of section 32.*— In section 32 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(c) indicate and provide proposal for transferable development right,

transferable development right for posterity, accommodation reservation or any other similar technique for promoting planned development.”.

7. *Insertion of new sections 41A to 41C.*— After section 41 of the principal Act, the following sections shall be inserted, namely:—

“41A. *Acquisition of land by according transferable development right.*— (1) The Planning and Development Authority, municipal corporation, municipal council or a village panchayat may, with approval of the Government and the consent of the owner, acquire his land for public purpose and the Government may accord him a transferable development right, in lieu of the payment of compensation towards such acquisition, by issuing a Development Right Certificate in such form and in such manner as may be prescribed.

(2) The transferable development right could be utilized as additional built up space in such manner as may be prescribed by the owner who may use it himself or transfer it to any other person in full or in part, to use in areas earmarked for the purpose in Regional Plan or Development Plan.

41B. *Acquisition by way of accommodation reservation.*— (1) A Planning and Development Authority, municipal corporation, municipal council or a village panchayat may, with the consent of the owner, get transferred his land and amenity in its favour for public purpose as specified in the Regional Plan or Development Plan, by way of accommodation reservation, in such manner as may be prescribed.

(2) The owner of such land shall develop such amenity and hand it over to the said authority free of cost and thereafter he shall himself utilize the developmental right equivalent to full permissible Floor Area Ratio.

41C. *Preservation of natural reserves and resources for posterity.*— A Planning and Development Authority, municipal corporation, municipal council or a village panchayat may with approval of the Government and the consent of the owner, withdraw or sever the development right or potential in respect of land identified for conservation or preservation in the Regional Plan or Development Plan and the Government may allot the development right, thus removed, or severed to other area which is more suitable for development by way of transferable development right for posterity in such manner as may be prescribed.”.

8. *Amendment of section 140.*— In section 140 of the principal Act, in sub-section (2),—

(i) after clause (d), the following clause shall be inserted, namely:—

“(dd) form for making request under sub-section (1) of section 16B;”;

(ii) after clause (e), the following clauses shall be inserted, namely:—

“(ea) the form and manner in which a Development Right Certificate is to be issued and manner in which the development right to be utilized under section 41A;

(eb) the manner in which land and amenity to be transferred by way of accommodation reservation under section 41B;

(ec) the manner in which development right of a property can be withdrawn or severed and allotted to other area by way of transferable development right for posterity under section 41C;”.

Secretariat,
Porvorim-Goa.

Dated: 30-8-2018.

DHARMENDRA SHARMA,
Secretary to the

Government of Goa,
Law Department (Legal Affairs).

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